



PLANNING COMMISSION

MINUTES

September 8, 2010

7:30 P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Roy McAfee, Chair
Dr. Roy Gratz, Vice-Chair
Susan Spears, Secretary, Absent
Ricardo Rigual
Edward Whelan, III
Vic Ramoneda
Berkley Mitchell

CITY STAFF

Ray Ocel, Director of Planning
Erik Nelson, Sr. Planner
Kevin Utt, B&DS

1. CALL TO ORDER

The September 8, 2010 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Roy McAfee.

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF MINUTES

- June 9, 2010, Work Session minutes were approved/adopted with a correction in Commissioner Rigual's name, which had been misspelled.
- July 28, 2010 minutes were approved/adopted as submitted.

PUBLIC HEARING ITEMS

4. **SUB2010-01 - Preliminary Subdivision Plat: Fredericksburg Park, LLC located off of Lafayette Boulevard.** Proposed new construction of an 86 lot single family cluster home subdivision to be located on a 28.8873 acre parcel off of Lafayette Boulevard just west of the Blue Gray Parkway near the entrance to the Battlefield Park. The property is located on Tax Map A15, Parcel P6 with 22.2880 acres Zoned R-4 and 6.5993 acres Zoned I-1 for a total of 28.8873 acres.

Mr. Utt presented the application. And noted that staff is requesting that only the public hearing be held at this time to allow staff to address additional or unresolved concerns. He suggested that after the public hearing is closed on this item that it come back before the Planning Commission on September 29, 2010.

Mr. McAfee noted that the staff reports says that Kimley Horn and Associates had been engaged as a traffic consultant to perform a traffic analysis. He asked if an actual traffic study exists that could be reviewed by Commissioners and staff.

Mr. Hunter Greenlaw, Jr. 702 Kenmore Avenue., Fred., VA 22401, provided background to the application request and noted that a few years ago the project had been presented for consideration as a mixed use development but that the economic climate prevented/hindered that project to move forward. He said the 86-unit single-family cluster subdivision would be Phase I of a two phase project, when completed. Phase II, he said, would be presented at a later time and would consist of the Industrial-zoned parcel.

Mr. Larry Welford, Welford Engineering, 4545 Empire Court, Fredericksburg, 22408, provided a detailed description of the property. He noted that he had a correction to the staff report in that the property is not vacant. He said the property is a reclaimed mine. He also noted that there are several issues with lines, etc., that need to be worked out with VA Power before moving forward. He noted that the zoning ordinance would permit 89 units on this property but that they are only proposing 86-units. He said they would comply with all other zoning requirements as well.

Mr. Welford clarified that there was no actual traffic study and that one is not required. However, he said, they engaged Kimley Horn & Associates to advise on how best to configure the ingress/egress to the property in the safest possible manner with protected turning, etc. He suggested that he would e-mail the findings of Kimley Horn to staff and Commissioners.

Mr. Welford said there are no traffic signals proposed for the site and that they are not warranted according to VDOT. He said they would indeed be providing sidewalks on both sides of the streets as requested by staff.

Dr. Gratz asked since there were no sidewalks indicated on the plans that Commissioners received with their packets, if now deciding to include sidewalks on both sides of the streets would affect lot size.

Mr. Welford assured Dr. Gratz that there would be no change in lot sizes by installing sidewalks as the walkways would be located on the roadway easement.

Dr. Gratz said he was very concerned regarding safety aspects of the ingress/egress onto Lafayette Boulevard and noted that this area already consists of some challenges.

Mr. Welford said that this entrance was decided upon based on VDOT site distance standards and recommendations.

Dr. Gratz said that when the second phase of this project is completed he did not see how it is possible that the subdivision section can connect with the industrial section.

Mr. Welford said they would indeed connect via Alum Springs Road.

Dr. Gratz said he did not believe this would be possible unless one would have to directly cross Alum Springs Road to access the property and that he believed this to be a safety hazard and goes against the City's aim of having more "walkability" for citizens of Fredericksburg.

Mr. Welford said he believes the trail system that the City has proposed would assist in that goal.

Mr. Whelan asked what type of vegetation would be used in the open space area.

Mr. Welford said they intend to decide in the final design phase of the project and still need to consult with VA Power on how best to work around their lines, etc. He noted that part of the property is wooded and part is already open.

Mr. Whelan asked if the children will be able to access the park safely.

Mr. Welford said he believes they would.

Mr. McAfee noted that Mr. Welford had said that the layout would be "similar to Kensington Hills." He noted that Kensington Hills went above and beyond requirements with their landscaping plan. He said he would like to see this project and all future developments go to those lengths to ensure that citizens have shade and aesthetically pleasing neighborhoods. He also expressed that he would like to see future documents to indicate that trees will be planted in the utility strip.

Mr. Wanda Hoffman, 1515 Lafayette Boulevard, Fredericksburg, VA 22401, said she is the "one" house near the subject site. She said her driveway is hidden on a dangerous curve and that she is very worried about traffic and concerned there is a potential for many future collisions should this entrance be placed where it is currently planned. And, she said that once the roadway is completed as it is currently planned for this development, it would create an inconvenience for her to access her driveway as it would add additional lanes to the roadway that she would have to travel and make a u-turn to access Lafayette Boulevard.

Being no further public comment on this item, Mr. McAfee closed the public hearing on this application.

5. **SUP2010-06: Calvary Christian Center** - Special Use Permit request in order to operate a private school for children with a qualifying disability (not physical) in the Calvary Christian Center located at 2222 Jefferson Davis Highway. The applicant, Fair Wind, proposes to operate a special day school for up to 12 children. The property is zoned CT, Commercial Transitional and is designated Transitional/Office on the Future Land Use Map found within the 2007 Comprehensive Plan.

Mr. Ocel provided an overview of the application. He added that there were a couple corrections to his staff report under the conditions section. He said the ages of the children should read 8 – 15 years. Hours of operation are to be 8:00 a.m. – 3:00 p.m. The maximum number of children is amended to 18.

Dr. Gratz asked if this school is already in operation as the staff reports indicates that they are.

Mr. Ocel said they had been operating at another location in the City without the proper permits but that once they had decided to locate in the subject property they became aware that they needed a special use permit from the City and filed the subject special use permit request as a result.

Pastor Mike Hirsh, 200 McConkey Street, Fredericksburg, 22401, thanked Mr. Ocel for his assistance in bringing the request into compliance with City regulations. He also provided a brief outline of how the children would be separated in two separate classrooms. Room 202, which has an occupancy load of 24 students would house the 12-15 year-olds. Room 203, which has an occupancy load of 19, would house the 8 – 11 year-olds. Pastor Hirsh also cited state requirements for this type of use as well. He also noted that the City Fire Department has come out to inspect the property for the proposed use and has approved the site.

Mr. Rigual asked the definition of a "qualifying disability" as noted in the application.

Mr. Murphy 106 Goodloe Drive said that a qualifying disability would consist of emotionally disturbed individuals, mental illness and learning disorders.

Mr. Rigual asked if there have been provisions made to ensure appropriate supervision is in place should there be any incidents.

Mr. Murphy said they typically have 4 staff members present, sometimes 5. He said they intend to have one teacher per three students.

Being no further public comment on this item, Mr. McAfee closed the public hearing on this application.

6. **The Fredericksburg Watershed Management Property Plan** has been prepared as a guide to decision making in regard to the 4,232 acres of land that the City placed in a conservation easement in 2006. The property's conservation easement provides a high level of protection from development, vegetation removal, and other major alterations. Further issues that needed to be addressed are addressed in the Plan and include access management, trails management, and new recreational use. Consequently, a management plan outlining guidance and policies to balance management of the exceptional natural resources of the property with continued public recreation use was developed. The public hearing will be another opportunity to comment on the draft Plan.

Mr. Nelson described the purpose of the "plan" and provided a brief update of changes made to the plan and said that it continues to be revised to ensure a viable final product to be presented to City Council for its approval. Easement holders include the VA Outdoors Foundation (VOF), the Nature Conservancy and the VA Dept of Game and Inland Fisheries. He noted that Ron Hughes, VA Dept of Game and Inland Fisheries, and John Tippet, Executive Director of the Friends of the Rappahannock (FOR) were also present. He said it should be noted that FOR, once the draft plan was completed, went from their role of facilitating development of the plan back to their advocacy role so that they could speak and represent their constituency. He noted that the public participation was tremendously useful as they have heard from all aspects of uses along the river. He said the basic concept is management through infrastructure

Mr. McAfee said he hopes that the Management Plan will be a successful tool in managing the lands surrounding the river but, he said, he still has some questions regarding uses and what specific process would be used to consider those uses in the future.

Mr. Nelson said the Easement dictates the values that are supposed to be protected and so the City, as the property owner, is responsible to do those things – to in-fact adhere to what the easement says. The intent would be for the City to work with the easement holders, which are the VOF, the Nature Conservancy and the VA Dept of Game and Inland Fisheries. They would be the enforcement arm, although the City sees it more as a partnership, but the City currently has the responsibility that occurs through Public Works and there is a River Steward. What we tried to outline in this document is the easement tells us what to do and the management plan outlines a process to make sure that we in-fact do this.

Mr. McAfee said that answers part of his questions, in that City does have the majority rule as the property owner but he said there are words used in staff's explanation that make him uncomfortable, such as "intent", "should be", "probably", etc., when we are drafting a document that is supposed to stand for a while. He suggested that this continue to be flushed out.

Mr. Rigual said he found the work-session very helpful. However, he said the way it is written does not convey that the uses, or most of them, are already permitted on the property and this is just a mechanism to make sure that the abuse does not occur and that the property is maintained in a way that is consistent with the easement. He said he encourages those involved to take another look and ensure that the proper message is conveyed.

Mr. Nelson said that one misconception is that this is not public land and that it is City owned property and the City exercises certain rights and reserves the right to implement certain regulatory steps, if needed. For example, if there is an area that is overused and suffering we can curtail uses in that area. However, he said, Mr. Rigual is correct in that there are whole host of traditional uses and there is not an intent to curtail those. We do have the responsibility to adhere to the easement.

Mr. Rigual said that he appreciated the technical distinction Mr. Nelson made but the City works for the people who live in the City, and believes the language needs to convey that certain uses are clearly permitted and a processes already in play.

Mr. McAfee said some type of plan had been discussed to identify the most desirable missing chunks that should be included the future. He asked what staff sees as the process as we move along with this and where it happens.

Mr. Nelson said it was listed in the action items section so that is identified as something that needs to occur. He said this has been gone through a couple times already but that it is a matter of unrolling the map and looking at what kind of properties we really need to sustain the integrity.

Mr. McAfee asked if there was any public comment.

Matt Tease, 104 Alta Vista Drive, Winchester, VA., said he was representing the Northern VA Chapter of Virginia Water Fowl. He said they encourage the City to continue with current hunting policies as now in place. He asked that the City not establish safety zones in areas that are perceived to be or where there will be conflict with other users during the hunting season. He said they also ask that the Commission work toward establishing the five access points the plan allows for so that the users of the watershed can enjoy what would be more manageable trips down the river along the watershed. He also thanked the City for placing the property under a conservation easement but hopes that the City allows for the public to enjoy it.

Robin Adair, 14093 Black Close Mill Road, Goldvein, VA. He said he had a chance to meet with Mr. Nelson after the last public meeting and thanked him for being so helpful. He said they looked at the February 2010 draft version but have not seen the current revised draft (*Mr. Nelson handed him a draft copy at that point*). He said they expressed concerns about a lot of attention being given to managing the river, yet the river is owned by the Commonwealth of Virginia, and is basically public property for all the citizens to enjoy. And, concerns were raised about the plan to restrict access to the river. He said he looks forward to reviewing the latest draft and another opportunity to comment.

Todd Coaklin, President, Virginia Water Fowl Association, Richmond, VA. He said they have reviewed the latest revision and believe it shows that it has been put together with good completeness and fairness for all users. However, there are a couple things he wanted to address – although there is not a formal location for campsites at this point but the confluence looks like the property in that area is good identifiable for all users to recognize especially during the hunting season. He also asked for additional public access points be considered. He said there is concern that without appropriate access points that it hinders emergency access.

Blair Foltz (address inaudible). He said he has been a trapper for 50 years and that it is one of the best management tools to manage pests. He said he would like to see more consideration given to trappers and that the City broaden its outlook with respect to trappers. He said he is the trapper for the City and has been contacted my Dave King of Public Works on several occasions to take care of problems in the City.

W. F. Wade 13003 Infantry Dr., Spotsylvania VA 22553, said he was representing the members of Warfare USA and its supporters. He asked that additional access points be considered, especially at Deep Creek, Hunting Run and Rocky Pen. He said if there were an accident, illness, etc., it would be impossible to get rescuers to those in need. He said he supports trappers and asks that they be considered in the process.

Mr. Larry Klein, National Trappers Association, Fredericksburg, 22408 said that sometime back in 1990 or 1991 the City placed a prohibition on trapping on City Land (yet it is allowed on the river) and no one knows why this was done. He suggested that trapping has no negative impact on land and that they are typically trapping during the months of November – February. He said

they believe trappers are discriminated against at this time. He said he would like the City to reinstate allowable trapping in the City.

Darrell Schwartz, 17451 Richmond Turnpike, Milford, VA, 22514 said he is a lifelong trapper and would like trapping on City lands to be considered and included in the final plan. He said trappers only take out a limited amount of animals and do not impact the lands.

Steve Colvin, 2000 SB Rd, Barboursville, VA, 22923 and President of the VA Trappers Association said they believe the latest draft is encouraging and hopes the City will override its prohibition on trapping. He thanked Mr. Nelson and Mr. Hughes for their hard work in developing a viable and fair plan. He noted that there has been a 60% increase in rabies in Charlottesville and that trappers simply monitor lands for the good of and safety of all its citizens.

Mr. McAfee asked Mr. Calvin if he could restate the percentage of increase in rabies, and where that statistic comes from.

Mr. Colvin said it has increased 60% in Charlottesville and that the figure is from Animal Control. He said that by allowing trapping in the rural areas could ultimately help in the City.

John Tippet, Executive Director, FOR, 22401 said he has two issues:

1. Safety zones around camp sites – he said safety zones need to be provided and that the language needs to be amended.
2. Section 5.3.2. – proposal for a new parking area at Richards Ferry Road. He said this area is pristine and what makes it special is the fact that it is secluded as it currently exists. He said it would be ill-advised to place a parking lot at this location.

Being no additional public comment, Mr. McAfee closed the public hearing on this item.

UNFINISHED BUSINESS/ACTION ITEMS

- None

OTHER BUSINESS

Planning Commissioner Comment

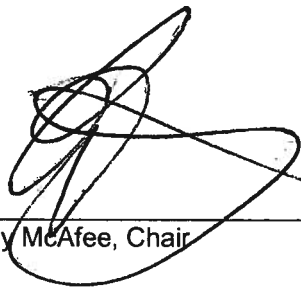
- Mr. McAfee questioned the process for placing items on the Agenda for action and then having to remove them. *Mr. Utt explained that this happened this evening with the SUB2010-01 because staff had wanted to accommodate the applicant prior to realizing that the application still had too many questions that needed answers.*
- Dr. Gratz asked for clarification of the definition of a cluster subdivision. *Mr. Ocel noted that the lots are smaller/ setbacks are less and that the open space requirement is more than a traditional single-family subdivision.*

Planning Director Comment

- Mr. Ocel provided an update of recent City Council action on applications that had previously been heard by the Planning Commission.
- Mr. Ocel said that at the regularly scheduled meeting on September 29th at 4:00 p.m., a presentation would be provided on the I-95 “preferred” Interchange. Also, he said, he has scheduled a work-session to review the overlay guidelines for the Lafayette Boulevard corridor.
- Mr. Ocel distributed copies of the COMP PLAN ACTION FORM that he had developed to submit to City Council on recent and/or ongoing action by the Planning Commission, as required.

ADJOURNMENT

Meeting adjourned at 9:10 p.m.



Roy McAfee, Chair